

**GEORGE MASON UNIVERSITY SCHOOL OF LAW
2009 LAW JOURNAL WRITE-ON COMPETITION**

UNITED STATES V. MOUSSAOUI

GEORGE MASON LAW REVIEW
CIVIL RIGHTS LAW JOURNAL
JOURNAL OF INTERNATIONAL COMMERCIAL LAW

2009 WRITE-ON COMPETITION

The following are the instructions for the 2009 write-on competition for the GEORGE MASON LAW REVIEW (GMLR), the CIVIL RIGHTS LAW JOURNAL (CRLJ), and the JOURNAL OF INTERNATIONAL COMMERCIAL LAW (JICL). Unless otherwise noted, the following instructions apply to all three journals. Research materials are available in the Library on reserve and at the Copy Center in the Library. This packet represents the final word on all matters pertaining to the write-on competition and supercedes anything you may have heard either at an information session or from a member of either journal. In particular, please note that all submissions must be hand-delivered or postmarked by May 28, 2009. Hand deliveries must be made by no later than 5:00 p.m.

Please direct all questions regarding the 2009 write-on competition to the GEORGE MASON LAW REVIEW Senior Notes Editor, George Ingham, at george.ingham@gmail.com.

If you have questions unrelated to the write-on competition, please direct them to the appropriate journal:

GEORGE MASON LAW REVIEW:	alyssa.dacunha@gmail.com
CIVIL RIGHTS LAW JOURNAL:	malvina.hryniewicz@gmail.com
JOURNAL OF INT'L COM. LAW:	patty.herold@gmail.com

Good Luck!

I. TOPIC

To participate in the competition, you must write a casenote on *United States v. Moussaoui*, 382 F.3d 453 (4th Cir. 2004).

II. CLOSED RESEARCH PROJECT

The write-on is a closed research project. In addition to the *Moussaoui* case, this packet contains other cases and materials relevant to the issues raised in *Moussaoui*. You may not conduct any outside research, and you are limited to the materials contained in the packet. This restriction is for your benefit. It allows you to spend your time reading and writing, rather than researching the issues. You may not discuss this project with other law students, law school faculty, or attorneys. Please be aware that the Honor Code governs the write-on competition.

III. CASENOTE

A casenote is a disciplined analysis of a single case and its relationship to existing law. It must be more than a synopsis of the opinion; it should explain and assess the adequacy of the court's

reasoning in light of precedent, subsequent decisions, and any relevant policy considerations. The casenote need not conclude that the court’s reasoning or holding was incorrect.

IV. FORMAT

1. You must use proper *Bluebook* (18th edition) law review form¹ for citations.
2. Your casenote must not exceed ten (10) pages of typed, double-spaced text, including footnotes.
3. Pages must be numbered.
4. The font must be twelve (12) point Times New Roman or Courier.
5. Top, bottom, left, and right margins must be one inch.
6. Footnotes must be single-spaced, ten (10) point Times New Roman or Courier.

V. ORGANIZATION

Your casenote should conform as nearly as possible to casenotes that have appeared in the *GEORGE MASON LAW REVIEW* or the *CIVIL RIGHTS LAW JOURNAL*. You may look at casenotes in these publications without violating the closed-research requirements, but only for the purpose of determining proper format and style. **HOWEVER, FOR THIS WRITE-ON COMPETITION, THE STATEMENT OF FACTS SECTION IS WAIVED** and should not be included. You may find the following framework useful.

A. Title

At the top of the first page, you must have an appropriate title.

B. Introduction

Your introduction must state the holding and rationale of the *Moussaoui* case. Keep in mind that the holding is a statement of general legal principle, not a statement of facts leading to a result limited in application to the instant situation. After you state the holding and rationale, discuss the case’s impact and formulate the issue or issues to be addressed in your casenote. Finally, your introduction should provide a “road map” for the reader of the different sections of your casenote.

C. Background & Discussion of the Opinion

This section should trace the development of the area of law under discussion. Your discussion of the principal opinion should briefly describe the court’s approach to key issues in the case and should juxtapose the arguments of the parties. You should then discuss any other case law that is relevant to the court’s holding in the principal case. The purpose is not to write a detailed analysis of the relevant cases, but to give the reader enough knowledge to appreciate your discussion of these cases in your analysis section.

¹ Please note that citations in law review articles differ from citations in court memoranda. For example, you should cite to authority in this write-on by using footnotes instead of citation sentences or intratextual citations. Additionally, law review citations use slightly different italicization rules than court memoranda citations. We recommend that you read articles in the *GEORGE MASON LAW REVIEW* or the *CIVIL RIGHTS LAW JOURNAL* to ensure you conform to these rules.

D. Analysis

This part of the casenote constitutes the sole justification for writing about the case and is the most important section. You should set forth your reasoning in detail. As you organize your analysis, you may wish to consider one or more of the following questions:

1. Did the court apply the proper analysis or test to the issue?
2. Assuming the court applied the proper analysis or test to the issue, did the court apply the analysis or test properly?
3. Are *Moussaoui*'s holding and rationale valid under existing precedent?
4. What practical difficulties or policy implications do subsequent applications of *Moussaoui* raise?
5. If the Supreme Court were to speak today on the issue addressed in *Moussaoui*, what rule or test should the Court apply?
6. How does the analysis in *Moussaoui* fit into this area of law?

Although you have been asked to write a casenote on *United States v. Moussaoui*, a successful piece will assess the sources listed in this packet and determine how they relate to one another. Though *Moussaoui* is one of the principal sources listed, we remind you that it is not the only source. There is no formula for a successful write-on submission; however, you should aim to succinctly and creatively approach the topic. You should focus on the persuasiveness of your argument, conformance with formatting used in typical casenotes or comments, writing style, grammar, punctuation, and the proper use of citation. You need not use every source listed in this packet. Likewise, you need not avoid any particular source. We have included each source in this packet as we feel it will help you in framing your analysis.

VI. BLUEBOOKING EXERCISE

In addition to writing a short casenote, write-on candidates must complete a short Bluebooking Exercise to demonstrate their competence with Bluebook rules. Please cut and paste the text as provided in the Bluebooking Exercise into a separate Word document and correct the footnotes using proper Bluebook format. Additionally, below each footnote, please describe the changes you made.

For Example:

[FN1] *United States v. Moussaoui*, 382 F.3d at 454 (4th Cir. 2004).

[Your Corrected FN1] *United States v. Moussaoui*, 382 F.3d 453, 454 (4th Cir. 2004).

[Your Comments] Removed improper italicization per BB Rule 10, corrected pin citation form per BB Rule 3.2(a).

You should not use the Track Changes function in Word. DO NOT check the authority of footnotes for accuracy or support, or check prior or subsequent history. This is a formatting exercise and should be based solely on your knowledge and the Bluebook rules. Remember that the Honor Code governs the write-on competition, and using Lexis or Westlaw to look up any of the cases or articles in the Bluebooking Exercise is against the rules of the competition. If you need additional information in order to properly correct a footnote, simply make a note explaining the information that you need. Please include this exercise in your electronic submission and in the packet with your casenote, grade release forms, and contact sheet.

2009 WRITE-ON COMPETITION QUALIFICATIONS AND SUBMISSION INSTRUCTIONS

I. QUALIFICATIONS

A. GEORGE MASON LAW REVIEW

All students applying for membership on the GEORGE MASON LAW REVIEW must be in their first year of law school (1D, 1E). To be eligible, students must have a minimum cumulative grade point average equivalent to the class mean, as determined by the GMUSL Records Office at the end of the second semester.

The GEORGE MASON LAW REVIEW editorial board will review each submission. There is neither a minimum nor a maximum number of positions available to students competing in the write-on. Students selected for candidate membership will be contacted after all Spring 2009 grades are posted.

B. CIVIL RIGHTS LAW JOURNAL

Students that are first year students (1D, 1E) or second year evening students (2E) are eligible to apply for membership on the CIVIL RIGHTS LAW JOURNAL. To be eligible, students must have a minimum cumulative grade point average of 2.5, as determined by the GMUSL Records Office at the end of the 2009 Spring Semester.

The CIVIL RIGHTS LAW JOURNAL editorial board will review each submission. There is neither a minimum nor a maximum number of positions available to students competing in the write-on competition. The CIVIL RIGHTS LAW JOURNAL encourages all students to participate in the write-on competition. Students selected for candidate membership will be contacted after all Spring 2009 grades are posted.

C. JOURNAL OF INTERNATIONAL COMMERCIAL LAW

All students applying for membership on the JOURNAL OF INTERNATIONAL COMMERCIAL LAW must be first year students (1D, 1E) or second year evening students (2E) that have completed Contracts I and Contracts II. JICL has no minimum GPA requirements, but the JICL review committee considers GPA as a non-determinative factor in the admissions process.

The JOURNAL OF INTERNATIONAL COMMERCIAL LAW editorial board will review each submission. There is neither a minimum nor a maximum number of positions available to students competing in the write-on competition. The JOURNAL OF INTERNATIONAL COMMERCIAL LAW encourages all students to participate in the write-on competition. Students selected for candidate membership will be contacted after all Spring 2009 grades are posted.

II. SUBMISSION PACKAGE CONTENTS

Prepare a separate submission package for each journal.

A. GEORGE MASON LAW REVIEW

Inside a sealed envelope marked **GEORGE MASON LAW REVIEW** please submit:

1. 7 copies of your casenote;
2. 1 copy of the Bluebooking Exercise; and
3. A separate, unmarked, sealed envelope that includes:
 - a. A signed GEORGE MASON LAW REVIEW grade release form; and
 - b. A contact information sheet.

Students **must also email** an electronic copy of their casenote to lrwriteon@gmail.com by May 28, 2009, at 5:00 p.m. as indicated on the submission instructions below. If an electronic copy is not received prior to the deadline, the student's submission will not be reviewed. Please enter "Write-on Competition Submission" in the subject line. Please identify yourself in the body of the email, as it will be directed to a member of the GEORGE MASON LAW REVIEW who is not judging in the write-on submissions. Compliance with this deadline will be determined by the time the email is sent.

B. CIVIL RIGHTS LAW JOURNAL

Inside a sealed envelope marked **CIVIL RIGHTS LAW JOURNAL**, please submit the following:

1. 5 copies of your casenote;
2. 1 copy of the Bluebooking Exercise; and
3. A separate, unmarked, sealed envelope that includes:
 - a. A signed CIVIL RIGHTS LAW JOURNAL grade release form; and
 - b. A contact information sheet.

Students **must also email** an electronic copy of their casenote to gmu.writeon@gmail.com by May 28, 2009, at 5:00 p.m. If an electronic copy is not received prior to the deadline, the student's submission will not be reviewed. Please enter "Write-on Competition Submission" in the subject line. Please identify yourself in the body of the email, as it will be directed to a member of the CIVIL RIGHTS LAW JOURNAL who is not judging the write-on submissions. Compliance with this deadline will be determined by the time the email is sent.

C. JOURNAL OF INTERNATIONAL COMMERCIAL LAW

Inside a sealed envelope marked **JOURNAL OF INTERNATIONAL COMMERCIAL LAW**, please submit the following:

1. 5 copies of your casenote;
2. 1 copy of the Bluebooking Exercise; and
3. A separate, unmarked, sealed envelope that includes:
 - a. A signed JOURNAL OF INTERNATIONAL COMMERCIAL LAW grade release form; and
 - b. A contact information sheet.

4. **Optional.** JICL is devoted to advancing the study of International Commercial Law at George Mason. A focus on International and/or Commercial Law is not required for membership, but is considered a “plus” when evaluating applications for membership. Please describe, if applicable, any interest you have in Commercial Law, International Law, or prior experience that may aid your efforts while a member of JICL. Please keep this statement under 200 words, and **only include this statement in your submission to JICL.**

Students **must also email** an electronic copy of their casenote to jiclwiteon@gmail.com by May 28, 2009, at 5:00 p.m. If an electronic copy is not received prior to the deadline, the student’s submission will not be reviewed. Please enter “Write-on Competition Submission” in the subject line. Please identify yourself in the body of the email, as it will be directed to a member of the JOURNAL OF INTERNATIONAL COMMERCIAL LAW who is not judging the write-on submissions. Compliance with this deadline will be determined by the time the email is sent.

III. ANONYMITY

To ensure anonymity you **MUST NOT IDENTIFY YOURSELF ANYWHERE ON YOUR CASENOTE.** If you do so, you will be disqualified. Your contact information and grade release form will be used to identify your submission. Any submission that does not include a grade release form and summer contact information form will not be reviewed.

IV. SUBMISSION DUE DATE AND INSTRUCTIONS

All submissions are due **THURSDAY, May 28, 2009.** Students may either hand deliver their submissions by 5:00 p.m. on May 28, 2009, or submit them by mail, postmarked by May 28, 2009.

Hand Delivery

Students who choose to hand deliver their submissions must drop them off in the Records Office at the law school by 5:00 p.m. on May 28, 2009. As with the mailed submissions, students must be careful not to leave any identifying information on their submissions.

Submission by Mail

Students who choose to mail their submissions must postmark them no later than May 28. Please mail a separate submission to each journal to which you are applying. Mail your submissions to:

(Insert journal name here)
Write-on Competition
George Mason University School of Law
3301 North Fairfax Drive
Arlington, Virginia 22201-4498

***The above address should also serve as the return address. You must not include a personal return address on your mailed submission.**

GEORGE MASON LAW REVIEW
GRADE RELEASE FORM

Student Name: _____

GMU Identification #: _____

I authorize the George Mason University School of Law to release my cumulative grade point average and class rank to the GEORGE MASON LAW REVIEW.

Signature: _____

Date: _____

FOR RECORDS OFFICE USE ONLY

Please mark "X" in the appropriate space:

This student _____ does _____ does not have a grade point average equivalent to the mean grade point average of his/her class.

This student _____ is _____ is not in the top 15% of his/her class.

CIVIL RIGHTS LAW JOURNAL
GRADE RELEASE FORM

Student Name: _____

GMU Identification #: _____

I authorize the George Mason University School of Law to release my cumulative grade point average and class rank to the CIVIL RIGHTS LAW JOURNAL.

Signature: _____

Date: _____

FOR RECORDS OFFICE USE ONLY

This student's GPA is _____.

JOURNAL OF INTERNATIONAL COMMERCIAL LAW
GRADE RELEASE FORM

Student Name: _____

GMU Identification #: _____

I authorize the George Mason University School of Law to release my cumulative grade point average and class rank to the JOURNAL OF INTERNATIONAL COMMERCIAL LAW.

Signature: _____

Date: _____

FOR RECORDS OFFICE USE ONLY

This student's GPA is _____.

SUMMER 2009 CONTACT INFORMATION SHEET

Student Name: _____

Summer Address: _____

Summer Phone Number: (Day) _____

(Evening) _____

EMAIL ADDRESS: _____

Journals will extend offers in early to mid-July. Please provide any additional contact information necessary to ensure that we can contact you during that period.

LIST OF SOURCES FOR THE 2009 WRITE-ON COMPETITION

Please note that many of the sources below are edited. Please do not look up these sources to read the portions not included in the write-on packet.

WRITE-ON CASE TOPIC: *United States v. Moussaoui*, 382 F.3d 453 (4th Cir. 2004).

PRINCIPAL SOURCES:

United States v. Moussaoui, 382 F.3d 453 (4th Cir. 2004).

18 U.S.C. app. §§ 4–6 (1982).

FED. R. CRIM. P. 16.

Roviaro v. United States, 353 U.S. 53 (1957).

United States v. Fernandez, 913 F.2d 148 (4th Cir. 1990).

United States v. Yunis, 867 F.2d 617 (D.C. Cir. 1989).

United States v. Smith, 780 F.2d 1102 (4th Cir. 1985).

United States v. Lee, 90 F. Supp. 2d 1324 (D.N.M. 2000).

SECONDARY SOURCES:

Rachel S. Holzer, *National Security Versus Defense Counsel's "Need to Know": An Objective Standard for Resolving the Tension*, 73 FORDHAM L. REV. 1941, 1953 (2005).

Richard P. Salgado, *Government Secrets, Fair Trials, and the Classified Information Procedures Act*, 98 YALE L.J. 427, 427 (1988).

9A Fed. Proc., L. Ed. § 22:1198 (2008)

Note – These materials may contain hyperlinks to other cases and materials. For the purposes of this write-on competition, you may not follow links to these external sources. You may only follow links to footnotes within the same source. This is a closed research project and all of the sources are attached hereto. You may only read and consider the materials contained on this source list. NO outside research is allowed.

BLUEBOOKING EXERCISE

- ¹ Congressional Record, Vol. 154, S5658 (June 16, 2008) (Statement of Senator Biden).
- ² FEDERAL UNEMPLOYMENT TAX ACT, 23 US Code § 3301-3311 (January 2000).
- ³ United States Department of Labor, A Report on the Glass Ceiling Initiative, pg.13 (1991)
- ⁴ Vickers v. Fairfield Medical Center. 453 F3d 757 at 761 (6th Cir. 2006).
- ⁵ *Id.*, at 765 to 769
- ⁶ Willingham v. Macon Telephone Publishing Company, 507 F 2 d 1084 (Fifth Circuit 1975) (court ruled *en banc*).
- ⁷ Virginia Code Ann. §37.2-1000
- ⁸ *Fran M. Baker, Assessing Competency in the Elderly*, in *Guardianship of the Elderly* 27, 28 (George H. Zimny and George T. Grossberg editors 1998)
- ⁹ Haines, Susan G. & Campbell, DEFECTS, DUE PROCESS, AND PROTECTIVE PROCEEDINGS: ARE OUR PROBATE CODES UNCONSTITUTIONAL? 14 *Quinnipiac Probate Law Journal* 57, 63 (1999)
- ¹⁰ See Mary Joy Quinn, Guardianships of Adults: Achieving Justice, Autonomy, and Safety, Springer Publ'n Co, at 150 (2005).
- ¹¹ *Mack v. Mack*, 329 md. 188, 199-201, 618 A. 2nd 744, 750 (Maryland 1993)
- ¹² U.S. Const, Art. IV, §2 cl. 1 (1789).
- ¹³ PRESS RELEASE, U.S. CENSUS BUREAU, *An Older and More Diverse Nation by Midcentury* (August 14 2008) available at <http://www.census.gov/PressRelease/www/releases/archives/population/012496.html>
- ¹⁴ Keith B. Richburg Iowa Legalizes Same-Sex Marriage, At A03, Wash. Post, April 4, 2009.
- ¹⁵ See, e.g., *Rumsfeld v. Forum for Academic & Institutional Rights, Inc. (FAIR)*, 547 US 47, 66 (2006) (*citing* Johnson, 491 U.S. at 406) (emphasis added).
- ¹⁶ *Rumsfeld*, 547 U.S. at 53.
- ¹⁷ *Clark v. Community for Creative Non-Violence*, 468 US 288, 302 (1984) (Marshall, J, *dissenting*). See also James M. McGoldrick Jr, *Symbolic Speech: A message from Mind to Mind*, 61 *Oklah. L. Rev.* 100, 131-136 (2008) (arguing that *Spence v. Washington* is the supreme court's only meaningful effort at defining symbolic speech).
- ¹⁸ *Id.* at 308

¹⁹ See, e.g., *Junger v. Daley*, 8 F. Supp. 2d 708, 713 n. 7 (N.D. Ohio 1998), rev'd 209 F.3d 481 (6th Cir. 2000)

²⁰ *McGoldrick*, supra note 18 at 129.